

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DANA W. WILEY,

Plaintiff,

v.

VINCE MCMAHON, *World Wrestling
Entertainment CEO,*

Defendant.

Civil Action No. 2:23-cv-1175

Hon. William S. Stickman IV
Hon. Patricia L. Dodge

ORDER OF COURT

Plaintiff Dana W. Wiley (“Plaintiff”), who is a prolific serial filer of civil rights lawsuits, was granted leave to proceed *in forma pauperis* on June 30, 2023. (ECF No. 3). Pursuant to the screening provisions of the Prison Litigation Reform Act (“PLRA”), Magistrate Judge Patricia L. Dodge issued a Report and Recommendation on December 13, 2023, recommending that the Court dismiss this case with prejudice without leave to amend. (ECF No. 9). It was further recommended that Plaintiff be ordered to show cause as to why he should not be deemed a vexatious litigant. Plaintiff was given until January 2, 2024, to file objections to the Report and Recommendation. (ECF No. 9).

No objections having been filed, the Court hereby ADOPTS Magistrate Judge Dodge’s Report and Recommendation as its Opinion. It unequivocally agrees with her thorough analysis and legal conclusions.

AND NOW, this 14 day of January 2024, IT IS HEREBY ORDERED that Plaintiff’s complaint is DISMISSED WITH PREJUDICE. The Court holds that further amendment would be futile. *See* 3 James Wm. Moore et al., Moore’s Federal Practice ¶ 15.15 (3d ed. 2021) (“An

amendment is futile if it merely restates the same facts as the original complaint in different terms, reasserts a claim on which the court previously ruled, fails to state a legal theory, or could not withstand a motion to dismiss.”).

IT IS FURTHER ORDERED that Plaintiff must show cause within thirty (30) days of this Order, on or before **February 15, 2024**, as to why his pattern of conduct, which has caused the expenditure of countless resources, judicial and otherwise, and transcends a particular dispute (as he consistently files motions or suits related to the myriad wrongs he purportedly has endured), does not justify the entry of a vexatious litigant order against him. *See Chipps v. U.S.D.C. for the M.D. of Pa*, 882 F.2d 72, 73 (3d Cir. 1989). Such an order could prohibit Plaintiff from filing further lawsuits in the United States District Court for the Western District of Pennsylvania, both in his name and under any aliases, without first obtaining leave of Court.

BY THE COURT:

A handwritten signature in black ink, appearing to read "W. S. Stickman IV", written over a horizontal line.

WILLIAM S. STICKMAN IV
UNITED STATES DISTRICT JUDGE